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7 PETER A. FULLER, INDIVIDUALLY
AND DOING BUSINESS AS
8 PETE FULLER CONSTRUCTION

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11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13 THE UNITED STATES OF AMERICA FOR) No. 2:05-CV-00325-DFL-DAD
14 THE USE AND BENEFIT OF PETER A.)
15 FULLER, individually and doing business as)
16 PETE FULLER CONSTRUCTION,)
17 Plaintiff,)
18 vs.)
19 JAMES E. ZOUCHA, an individual,)
20 Defendant.)
21)
22)
23)
24)
25)

**ORDER TO ENFORCE
STIPULATION AND FOR ENTRY OF
JUDGMENT ACCORDING TO ITS
TERMS**

Date: October 4, 2006
Time: 10:00 a.m.

26 Use-Plaintiff's Motion to Enforce Stipulation and Enter Judgment According to Its Terms
27 came on regularly for hearing at the above-captioned time and place. Use-Plaintiff appeared through
28 his attorney of record, Erin K. McDonough of McDonough Holland & Allen PC. Defendant
appeared through his counsel of record, James C. Keowen of Nageley, Meredith & Miller, Inc.
After consideration of the supporting and opposing papers and counsels' arguments, the court
granted Use-Plaintiff's Motion to Enforce Stipulation and Enter Judgment According to Its Terms.

29 IT IS HEREBY ORDERED that:

30 1. James E. Zoucha ("Zoucha") shall pay to Use-Plaintiff Peter A. Fuller, individually and
31 doing business as Pete Fuller Construction ("Fuller"), the principal sum of \$384,227.94, plus
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interest thereon at the legal rate of ten percent (10%) *per annum* from date of judgment herein and attorneys' fees and costs in the sum of \$6,484.50.

2. Following payment by Zoucha of \$384,227.94, plus interest thereon at the legal rate of ten percent (10%) *per annum* from date of judgment and attorneys' fees and costs in the sum of \$6,484.50, Fuller shall assign its claim in the bankruptcy proceeding of EAI International, Inc. referred to as *In Re EAI International, Inc.*, United States Bankruptcy Court for the Northern District of California Case No. 04-45829LT11, to Zoucha.

3. Zoucha shall assign and pay to Fuller the first \$62,000.00 recovered in the EAI Bankruptcy Proceeding.

4. The clerk shall enter judgment in accordance with the terms set forth above.

DATED: 10/10/2006


DAVID F. LEVI
United States District Judge